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9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 STAR FABRICS, INC., a California  
13 Corporation,

14 Plaintiff,

15 v.

16  
17 UMGEE U.S.A., INC., a California  
18 Corporation; and DOES 1-10,

19 Defendants.  
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Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

1 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
2 this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
5 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and  
7 1338 (a).

8 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and  
9 1400(a) in that this is the judicial district in which a substantial part of the acts and  
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing  
13 under the laws of the State of California with its principal place of business located in  
14 Los Angeles, California.

15 5. Plaintiff is informed and believes and thereon alleges that Defendant  
16 UMGEE U.S.A., INC., (“UMGEE”), is a corporation organized and existing under  
17 the laws of the state of California with its principal place of business located at 1565  
18 E. 23<sup>rd</sup> Street, Los Angeles, California 90011.

19 6. Plaintiff is informed and believes and thereon alleges that Defendants  
20 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed  
21 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,  
22 or have engaged in one or more of the wrongful practices alleged herein. The true  
23 names, whether corporate, individual or otherwise, of Defendants 1 through 10,  
24 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
25 by such fictitious names, and will seek leave to amend this Complaint to show their  
26 true names and capacities when same have been ascertained.

27 7. Plaintiff is informed and believes and thereon alleges that at all times  
28 relevant hereto each of the Defendants was the agent, affiliate, officer, director,

1 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
2 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
3 and/or employment; and actively participated in or subsequently ratified and/or  
4 adopted each of the acts or conduct alleged, with full knowledge of all the facts and  
5 circumstances, including, but not limited to, full knowledge of each violation of  
6 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

7 **CLAIMS RELATED TO DESIGN 10827-AS8018**

8 8. Plaintiff owns an original two-dimensional artwork used for purposes of  
9 textile printing entitled 10827-AS8018 (the "Subject Design") which has been  
10 registered with the United States Copyright Office.

11 9. Since 2014, and prior to the acts complained of herein, Plaintiff sampled  
12 and sold fabric bearing the Subject Design to numerous parties in the fashion and  
13 apparel industries.

14 10. Following this distribution of product bearing the Subject Design,  
15 Plaintiff's investigation revealed that certain entities within the fashion and apparel  
16 industries had misappropriated the Subject Design and were selling fabric and  
17 garments bearing illegal reproductions and/or derivations of the Subject Design.

18 11. Plaintiff did not know or have reason to know of any of Defendants'  
19 infringing conduct prior to three years before the filing of this Complaint.

20 12. Plaintiff is informed and believes and thereon alleges that, without  
21 authorization, UMGEE, DOE Defendants, and each of them created, sold,  
22 manufactured, caused to be manufactured, imported and/or distributed fabric and/or  
23 garments comprised of fabric featuring reproductions of the Subject Design or  
24 designs which are substantially similar to the Subject Design (hereinafter "Offending  
25 Product"). Offending Product includes but is not limited to the garments sold bearing  
26 the label "Umgee USA", under style number G2774, and RN number 130733,  
27 indicating it was manufactured or otherwise distributed by UMGEE.

28 13. A representative sample of the Subject Design, and exemplars of

Offending Product are set forth hereinbelow:

**Subject Design**



**Offending Product**



**Subject Design**



**Offending Product**

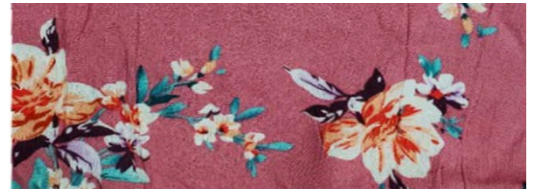




**Subject Design**



**Offending Product**



14. The above comparisons make apparent that the elements, composition, arrangement, layout, and appearance of the designs, including connective stitching, whiskering, type of flowers, pattern of arched elements, number of petals, leaves, and filling, on the garments are substantially similar to the design at issue.

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**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

15. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

17. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print designs that were identical or substantially similar to the Subject Design, or were an illegal modification thereof.

18. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling Offending Products through a nationwide network of retail stores, catalogues, and through on-line websites.

19. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

1           20.     Due to Defendants', and each of their, acts of copyright infringement as  
2 alleged herein, Defendants, and each of them, have obtained profits they would not  
3 otherwise have realized but for their infringement of the Subject Design. As such,  
4 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
5 attributable to the infringement of the Subject Design in an amount to be established  
6 at trial.

7           21.     Plaintiff is informed and believes and thereon alleges that Defendants,  
8 and each of them, have committed copyright infringement with actual or constructive  
9 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
10 and continue to be, willful, intentional and malicious.

11                           **PRAYER FOR RELIEF**

12           Wherefore, Plaintiff prays for judgment as follows:

- 13           a. That Defendants—each of them—and their respective agents and  
14 servants be enjoined from importing, manufacturing, distributing,  
15 offering for sale, selling or otherwise trafficking in any product that  
16 infringes Plaintiff's copyrights in the Subject Design;
- 17           b. That Plaintiff be awarded all profits of Defendants, and each of them,  
18 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
19 or, if elected before final judgment, statutory damages as available under  
20 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 21           c. That Plaintiff be awarded its attorneys' fees as available under the  
22 Copyright Act U.S.C. § 101 et seq.;
- 23           d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 24           e. That Plaintiff be awarded the costs of this action; and
- 25           f. That Plaintiff be awarded such further legal and equitable relief as the  
26 Court deems proper.

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**JURY DEMAND**

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

Dated: June 6, 2023

DONIGER / BURROUGHS

By: /s/ Stephen M. Doniger  
Stephen M. Doniger, Esq.  
Kelsey Schultz, Esq.  
Attorneys for Plaintiff